

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESPN, INC.,

Plaintiff,

v.

QUIKSILVER, INC.,

Defendant.

08 Civ. 4222 (CM) (MHD)

**NOTICE OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed Declaration of Kenneth Conboy, dated May 27, 2008, the accompanying Declaration of Mark A. Finkelstein, dated May 27, 2008, and the exhibit annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the Local Rules for the United States District Court for the Southern and Eastern Districts of New York, admitting Mark A. Finkelstein to the bar of this Court *pro hac vice* in order to argue and try the above-captioned case as counsel for Defendant Quiksilver, Inc.

Dated: New York, New York  
May 27, 2008

LATHAM &amp; WATKINS LLP

By:

  
Kenneth Conboy (KC-1154)

885 Third Avenue, Suite 1000  
New York, New York 10022  
(212) 906-1200

*Attorneys for Defendant  
Quiksilver, Inc.*

To: All Counsel of Record

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**ORDER GRANTING MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

This matter having been brought before the Court by motion to admit Mark A. Finkelstein *pro hac vice* to appear and participate as counsel for Defendant Quiksilver, Inc. in the above-captioned action, and the declaration of such attorney having been submitted in support thereof, and it appearing that such attorney is a member in good standing of the bar of the state in which he is admitted to practice law, and there are no disciplinary proceedings against him as a member of the bar in any jurisdiction; it is

ORDERED that, pursuant to Local Civil Rule 1.3(c) of this Court, Mark A. Finkelstein of the State of California bar is admitted *pro hac vice* to practice before this Court as counsel for Quiksilver, Inc. in these proceedings.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
Hon. Colleen McMahon  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**DECLARATION OF  
KENNETH CONBOY**

KENNETH CONBOY, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Latham & Watkins LLP, counsel for Defendant Quiksilver, Inc. in this action. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for an Order granting Mark A. Finkelstein admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York in order to argue and try the above-captioned case.

2. I am a member in good standing of the bar of this Court.

3. I have reviewed the Declaration of Mark A. Finkelstein in support of the motion for admission *pro hac vice* submitted herewith, and I believe that the declaration is true and correct. Mark A. Finkelstein is fully familiar with the facts of this case.

4. Upon the foregoing facts, I respectfully request that the Court grant the motion for the admission *pro hac vice* of Mark A. Finkelstein to the bar of the United States District Court for the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this

27th day of May, 2008, in New York, New York.



Kenneth Conboy (KC-1154)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**DECLARATION OF**  
**MARK A. FINKELSTEIN**

I, MARK A. FINKELSTEIN hereby declare under penalty of perjury as follows:


1. I am a partner in the law firm of Latham & Watkins LLP, located at 650 Town Center Drive, Suite 2000, Costa Mesa, California 92626.

2. I submit this Declaration in support of the motion to admit me as counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.

3. There are no pending disciplinary proceedings against me in any State or Federal Court.

4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I executed this Declaration on this 27th day of May, 2008, in Costa Mesa, California.

  
\_\_\_\_\_  
Mark A. Finkelstein



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

May 22, 2008

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MARK ANDREW FINKELSTEIN, #173851 was admitted to the practice of law in this state by the Supreme Court of California on December 13, 1994; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over the printed name.

Kath Lambert

Custodian of Membership Records

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**CERTIFICATE OF SERVICE**

I, Jessica L. Bengels, hereby certify that on May 29, 2008, true and correct copies of the annexed Notice of Motion to Admit Counsel Pro Hac Vice, dated 5/27/08, [Proposed] Order Granting Motion to Admit Counsel Pro Hac Vice, Declaration of Kenneth Conboy, dated 5/27/08, and Declarations of Mark A. Finkelstein and Jennifer Barry, dated 5/27/08, were caused to be served in accordance with the Federal Rules of Civil Procedure, via First Class United States Mail upon:

Frank W. Ryan, Esq.  
Tamar Y. Duvdevani, Esq.  
Nixon Peabody LLP  
437 Madison Avenue  
New York, New York 10022

LATHAM & WATKINS LLP

By: 

Jessica L. Bengels

885 Third Avenue, Suite 1000  
New York, New York 10022  
(212) 906-1200

Attorneys for Quiksilver, Inc.